

Protect The Children
Protect The Future

The Rhode Island
Office of the Child Advocate
2006 Annual Report

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Public Document No. 07-002

Preface

This Annual Report is dedicated to the more than 6,700 children and youth under age 21 who were in the care of the Department of Children, Youth and Families (DCYF) in 2006, a majority of whom lived in out of home placements and the others who lived at home under DCYF supervision.

*Bitter are the tears of a child: sweeten them.
Deep are the thoughts of a child: Quiet them.
Sharp is the grief of a child: Take it from him [or her].
Soft is the heart of a child: Do not harden it.*

-Pamela Glenconne

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INTRODUCTION

In accordance with the statutory duties of the Office of the Child Advocate (OCA), I respectfully submit this annual report reviewing the OCA's twenty sixth year of operation. This report covers the 2006 calendar year.

Significantly in an effort to be proactive, this Child Advocate and Department of Children, Youth and Families (DCYF) Director Patricia Martinez met monthly during 2006 to discuss compelling child welfare issues and concerns impacting foster care and youth corrections with the intent of resolving identified problems which adversely impact the safety, wellbeing and stability of children in care. Over the past year, recurring agenda items for the monthly meetings were caseloads, licensing, DCYF staff assessments, Night to Night placements, institutional abuse and neglect, impediments to permanency for children, appropriate housing and gender specific programming for the females at the Rhode Island Training School (RITS), and the treatment and program needs of the RITS. The OCA continued to advocate for caseload reductions, curing deficiencies in the licensing process, eliminating impediments to permanency, compliance with the federal consent decrees, adequate and appropriate resources for the residents of the Rhode Island Training School (RITS), safety, and adequate and appropriate staffing.

On October 31, 2006, the second anniversary of the tragic death of a three year old child in kinship foster care, the OCA released its report on DCYF's progress in implementing the Child Fatality Review Panel's recommendations for systemic reforms in DCYF's child welfare program designed to ensure positive outcomes for children in DCYF's care. The report noted which recommendations had been implemented by DCYF. The implemented recommendations included clarifications in DCYF policies regarding the placement and removal of children in foster care; the purchase of a live scan machine enabling DCYF to more efficiently process fingerprint background checks on prospective foster parents; charging the Licensing Director with responsibility for reviewing criminal records of prospective foster parents and others in the prospective foster home; requiring the licensing social worker to follow up with physicians on any ambiguous or adverse information contained in the physician's reference for foster care placement.

However, the report noted also that DCYF had not accomplished the following: reduced its caseworker caseloads; revised its kinship training curriculum; adhered to its mandatory staff development policy for supervisors and caseworkers beyond the probationary period; and conducted performance evaluations of DCYF supervisors and social workers. The OCA implored DCYF to move more swiftly because these recommendations, if implemented will add a layer of protection for children in state care and hopefully avert another needless death of a child in the state's care.

In response to learning that fifty (50%) per cent of child suicides are committed by children with gender identification issues, the OCA co-sponsored a continuing legal education seminar for attorneys representing children with gender/identity expression. The OCA believed it was necessary to address the issues with the advocates who represent such children in court. The OCA was unaware of the scarcity of services to these children until it worked on a policy paper funded by the Department of Education. Too often, lawyers involved in representing these children are unaware of the youth's right to safe and appropriate placement.

The OCA with the cooperation of the RITS administration opened a satellite office in the RITS in the summer of 2006. The OCA's new and increased visibility on the RITS grounds opened a dialogue with RITS residents as well as workers. The OCA met with RITS administrators, the Special Master and the resident's Monitoring Counsel regarding issues impacting the challenging needs and rights of the adjudicated and non-adjudicated youth at the RITS.

During the year, the OCA monitored the care of children placed in residential facilities by DCYF. The OCA reviewed the continuum of care available to youth in DCYF care and made site visits periodically to many of the 120 facilities around the state as well as to several out-of-state facilities in which residents are placed within driving distance of Rhode Island. During the in-state site visits, the Senior Monitoring Officer reviewed the quality of the care provided to the children and youth and the physical premises where they are lodged. At each site visited, residents were interviewed to gain an appreciation of their perspectives on their quality of life. After site visits, the Senior Monitoring Officer prepared reports on her findings and made suggestions for improvements, if appropriate. Occasionally, the OCA received complaints alleging improprieties in the

care of residents in a child care facility. In such instances, the OCA investigated the allegations and developed corrective plans, if necessary.

In other matters, the OCA continued to file victims' compensation claims on behalf of children in State care and assisted children who were involved simultaneously in child welfare, law enforcement and judicial systems. Project Victim Services completed its fourteenth full year of operation with a Federal Victims of Crime Act (VOCA) Grant, renewed and funded in October of 2006 by the Rhode Island Justice Commission. During the 2006 legislative session, the OCA tracked bills that sought to amend or establish laws related to children.

The firm conviction of this Child Advocate -- that the most effective way to end the vicious cycle of abuse and neglect is to promote community awareness of the problem and to appeal to concerned and engaged citizenry to support public policy which ensures that every child has a safe, nurturing and stable home, adequate education and adequate and appropriate healthcare--led the OCA to assign community outreach a high priority in 2006. The OCA has made it a point to talk with community providers, rotary clubs and schools to create a greater awareness of the role and function of the OCA and the ways in which the community can work to protect children. Additionally, the OCA has attended a number of community fairs and manned OCA information tables whenever possible. The OCA staff continued to participate in numerous policy meetings and task forces that solicit the input of the community on regulations and implementation strategies.

This Child Advocate gratefully acknowledges the tireless efforts of her staff and extends heartfelt gratitude to the physicians, social service professionals, attorneys, students, child care providers, law enforcement professionals, local college and university faculty and volunteers, who donated their time and expertise generously and without whom this Office simply could not have met its statutory obligations. A very special acknowledgment is made of the OCA's 2007 current student interns, Lynn Maynard and Jasmine Lopez, who are an invaluable assist to the OCA. In addition, the positive working relations which have been forged between the OCA and DCYF and the many courtesies that Director Patricia Martinez and her staff, including the Administration and staff at the Rhode Island Training School, have extended to the OCA are gratefully acknowledged. It should be underscored that both agencies share a genuine concern for the safety,

stability and welfare of Rhode Island's children and youth in care but do not always agree on how these outcomes can be achieved.

The OCA looks forward to the General Assembly's continued support for policies and programs which help improve the lives of Rhode Island children and ensure the safety and well being of children in state care even in the face of unimaginable budget deficits.

Jametta O. Alston
Child Advocate

THE MISSION STATEMENT

The Office of the Child Advocate is established by statute to protect the civil, legal and special rights of all children involved with the Department of Children Youth and Families.

The chief purpose of this Office is to monitor DCYF and its operations. Children are placed with DCYF for a variety of reasons, but most often because their parents are unable or unwilling to care for them. Many are victims of abuse and neglect. It is the OCA's mission to ensure that DCYF offers the children adequate protection and quality services, while according the children respect for their individual rights and dignity.

The OCA discharges the state's institutional abuse investigation obligations under the federal Child Abuse Preventions and Treatment Act by reviewing allegations of abuse of children in substitute residential care and day care and taking appropriate action where necessary. Additionally, the OCA responds to the complaints of children and families seeking assistance from DCYF even when the children are not in DCYF's care. Each year the OCA responds to questions and complaints from children, professionals, parents and private citizens.

In order to protect the rights of children involved with DCYF, the OCA also works with service providers outside DCYF. The OCA is statutorily empowered to take legal action to attack deficiencies and discrimination experienced by children in DCYF care accessing services from any source, public or private.

The statutory powers of the OCA are contained in Rhode Island General Laws §§42-73-7 and 40-11-1 et seq. The most prominent powers are:

- (1) Insure that each child in protective care, custody or in treatment; and in proper cases, others interested in child's welfare are apprised of the child's rights;
- (2) Review periodically the procedures established by DCYF;

- (3) Review complaints of persons and investigate those where it appears that a child may be in need of assistance from the Child Advocate;
- (4) Periodically review the facilities and procedures of any and all institutions and/or residences, public and private, where a juvenile has been placed by the Family Court or DCYF;
- (5) Recommend changes in the procedures for dealing with juvenile problems and in the systems for providing childcare and treatment;
- (6) Take all possible action including, but not limited to, programs or public education, legislative advocacy and formal legal action, to secure and ensure the legal, civil and special rights of children involved with DCYF;
- (7) Review orders of the Family Court relating to juveniles with power to request reviews as required by the best interests of the child;
- (8) To investigate institutional abuse complaints;
- (9) Investigate, in accordance with the established Rules and Regulations adopted by the Child Advocate, the circumstances relating to the death of any child who has received services from DCYF; and
- (10) Commence in the Superior Court a civil action on behalf of child victims of crime in the care of DCYF, in accordance with Chapter 12-25 entitled "Criminal Injuries Compensation" of the General Laws, against the state for compensation.

THE STAFF

The Office of the Child Advocate (OCA) which is statutorily mandated to protect the legal rights and interests of children in state care is comprised of the Child Advocate and a staff of five individuals who report directly to her.

Jametta O. Alston, Esq., is the Child Advocate. Appointed by Governor Donald Carcieri to a five year term, Ms. Alston has headed the agency since June 2005. A graduate of the Howard University School of Law and a former president of the Rhode Island Bar Association, Ms. Alston has served as City Solicitor for the City of Cranston. As a staff attorney in the Rhode Island Department of Attorney General, Ms. Alston developed domestic violence protocols for the Attorney General and various local police departments. A member of the Rhode Island Supreme Court Committee on Women, Ms. Alston has conducted numerous training activities for battered women and women in transition. Ms. Alston has also taught at the Jamestown Police Department and the Municipal Police Academy. She is a former chair of the Rhode Island Legal Services, Inc. Board of Directors. She has extensive experience handling juvenile and domestic matters as a Legal Services and private practice attorney. Ms. Alston's work with youth in the West End Development and the Providence Shelter for Colored women coupled with her own experience with the foster care system as an adoptive mother has provided her with invaluable insight to protecting the rights of children. She has been honored by the Rhode Island Bar Association with a presentation of a Pro Bono Award for her dedicated and tireless service as a volunteer lawyer.

The following comprise the Child Advocate's staff:

The Assistant Child Advocate, ***Shelia High King, Esq.***, is a graduate of Georgetown University Law Center. Ms. King represents children who are voluntarily placed with the Department of Children, Youth & Families (DCYF) in Family Court; serves on various committees and task forces at the request of the Child Advocate; and reviews any and all plans for improvements at the Rhode Island Training School (RITS) presented to the OCA. She also participates as part of an OCA team monitoring conditions at the RITS and provides consultation to OCA office staff on legal issues. Ms. King has over 17 years of advocacy experience at the trial and appellate levels

The Staff Attorney and Case Manager of the child victim compensation cases, ***Kelly Monteiro, Esq.***, is a graduate of Howard University Law School. She represents children who are voluntarily placed with DCYF in Family Court and manages OCA's Project Victim Services assisting children in DCYF care who have been victimized by crime to seek funds from the Crime Victim Compensation Program. She is a former staff attorney for Rhode Island Legal Services, Inc. and a former assistant public defender in the Appellate Division of the Rhode Island Office of Public Defender

The Senior Monitor and Evaluation Specialist, ***Michele D. Paliotta, L.I.C.S.W.***, is a graduate of Rhode Island College School of Social Work. She is responsible for conducting periodic reviews of the policies, procedures and facilities of residential providers with whom children are placed by the Family Court and DCYF and consulting with these providers when necessary to ensure any needed ameliorative action is accomplished. She is also responsible for participating in permanency planning for children placed voluntarily in state care as well as handling information and referrals in response to inquiries the OCA receives. She is a former assistant clinical director of a residential treatment facility.

The Chief Field Investigator, ***Kathryn Cortes***, is a graduate of Salve Regina University. She is responsible for investigating allegations of abuse and neglect for children in DCYF custody. Ms. Cortes assists in the investigation of institutional abuse complaints and assists in the preliminary investigations of child fatalities. She also participates in permanency planning for children voluntarily placed in state care. She is a former program director of a residential drug treatment program at the Rhode Island Training School.

The Administrative Secretary/Office Manager, ***Marianna Almeida***, is a graduate of the Community College of Rhode Island. She is responsible for office administration, scheduling and docketing, maintaining the OCA website and coordinating the OCA Training Institute.

THE INTERNS

The OCA gratefully acknowledges the contributions of its volunteer student interns during the FY'2006 year. High School, undergraduate and law students worked side by side with OCA staff on a number of projects from tracking legislation to data compilation. The voluntary interns devoted from five (5) hours to fifteen (15) hours per week in the OCA during their internship. The interns were:

Melissa Perry,	St. Mary's Academy of Bay View, Class of 2006
Tyrene Jones,	St. Mary's Academy of Bay View, Class of 2006
Sarah Oster,	Wheaton College, Class of 2009
Tamar Jaffe,	Roger Williams University School of Law, Class of 2006
Aubrey Lombardo,	Northern School of Law, Class of 2006

THE SERVICES

Nothing you do for children is ever wasted.
- Garrison Keillor

Guardian Ad Litem Services

Rhode Island Gen. Laws Sec. 42-17-14 provides that the DCYF director may in her discretion, admit to the department on a voluntary basis any child who, in her opinion, could benefit from any of the services offered in foster care or residential facilities administered by or under contract with, or otherwise available to, the department. Within one hundred twenty (120) days of admitting a child on a voluntary basis, the department must petition the family court for a determination as to whether continuation in care is in the child's best interest and, if so, whether there is an appropriate case service plan. The family court is mandated by the statute to assume jurisdiction over the case and schedule a hearing on the matter within sixty (60) days of the filing of the petition. The department is responsible for notifying the child, his or her parent or other guardian and the Office of the Child Advocate of the petition and the time of the scheduled hearing.

Once notified of the hearing date, the Office of the Child Advocate enters an appearance on behalf of the child as guardian *ad litem*. As guardian *ad litem* for children voluntarily placed by their parents in the care of DCYF, the Office of the Child Advocate speaks for the child in Family Court and makes recommendations to the Court on the child's care. In fulfilling its obligations as guardian ad litem, the Office gathers and reviews information from the child, the child's parents, treatment team members and service providers; and reports to the Family Court on the following:

1. The wishes of both the parents and the child regarding the child's placement;
2. The interaction of the child with his or her parents and other family members;
3. The extent of the parents' participation and compliance with the child's treatment plan;
4. The child's adjustment to the placement;
5. The child's progress under his or her treatment plan;

6. The appropriateness of the child's care;
7. The physical, emotional, educational, social and mental needs of the child;
8. The opinion of the Office of the Child Advocate as to whether the child's case plan is in his or her best interests; and
9. The recommendations of the Office of the Child Advocate regarding the child's care.

The Office monitors the child's progress in placement. The Office staff is available to answer the child's questions and to handle any concerns or complaints the child may have about his or her care. The Office staff often attends service plan and treatment team meetings regarding the child as well as discharge planning meetings. The OCA staff meets with the child and his or her parents whenever possible. During 2006, there were a number of instances in which the Office hosted meetings with the parent, social case worker and residential clinician to address and resolve concerns regarding the child's placement.

In 2006, the Office received notice of 23 new miscellaneous petitions filed for children voluntarily placed in DCYF care and entered appearances on behalf of those children bringing the total number of children for which the Office served as Guardian *ad litem* to fifty-nine (59) in 2006. The OCA was proactive in recommending the filing of formal dependency petitions in cases involving severely physically disabled or emotionally disturbed youth who will need to transition into the adult care system when they reach their 21st birthday. Nineteen miscellaneous petitions in the OCA caseload were dismissed in 2006. The Office attended over 120 Court Reviews and/or Permanency Hearings in 2006. The OCA caseload has increased by 17% in the last fiscal year.

Project Victim Services

*If we don't stand up for children, then we
don't stand for much.*

-Marian Wright Edelman

Rhode Island General Laws Sec. 42-73-9.1 grants authority to the Office of the Child Advocate to file compensation claims for any child who is a victim of a crime and in the custody of the Department of Children, Youth, and Families (DCYF), any institution or agency under its control, or other private agency. Compensation awarded belongs to the estate of the child. The Office of the Child Advocate, acting as guardian *ad litem*, may receive and hold in trust the awarded funds for the benefit of the child until the child reaches the age of majority.

Approximately fifty percent (50%) of children who enter DCYF care are victims of criminal abuse, both physical and/or sexual. Many of these children are eligible for reimbursement under the Criminal Injuries Compensation Act. These children were not accessing crime victim funds until the Office of the Child Advocate, through its Project Victim Services, received grant funding to assist them. Since its inception, Project Victim Services has received five thousand four hundred and nine (5,409) referrals. Six hundred and sixty seven (667) of the cases referred met criteria for assistance. During the 2006 calendar year, Project Victim Services received four hundred and forty (440) referrals with one hundred forty five (145) instances of physical abuse, and two hundred and ninety five (295) instances of sexual abuse. One hundred thirty (130) of those cases were eligible for assistance through Project Victim Services.

Fatality Reviews and Investigations

If our American way of life fails the child, it fails us all.

-Pearl Buck

In accordance with the state statute, the OCA conducts reviews and investigates the circumstances surrounding the death of any child who dies while in the custody of DCYF, or who has had, personally, or through his or her family, recent involvement with the Department. In its preliminary stage, this review consists of the gathering of all available information regarding the deceased child and his or her family. This information includes autopsy reports, police and fire reports, court documents, DCYF files, medical records, and other social service agency records. If, after review of this material, the OCA determines that the fatality cannot be linked to some action or omission on the Department's part and that further investigation would not lead to constructive recommendations for improving the department's delivery of services, the OCA concludes its investigation at that point. The release of the OCA Report on the status of DCYF's implementation of a Child Fatality Review Panel's recommendations led to Senate Health Education problem of the staggering caseloads of the DCYF Family Service Unit case social workers.

The OCA also participates in the Statewide Child Death Review Team, co-chaired by the Medical Examiner and the Director of the Child Protection Team at Hasbro Hospital. This team meets quarterly to review all child deaths occurring in Rhode Island to identify special trends, hazards and patterns in child mortality that might be addressed through community services, outreach education, information or legislation.

Child Fatalities

Child Abuse is a crime perpetrated on the innocent and the defenseless.

- Pete Domenici

There were two child fatalities of children in state care during 2006—one child at the Rhode Island Training School and the other at a residential treatment facility. Both are under preliminary investigation awaiting receipt of the coroner's report. Additionally, two children who were not involved

in the state's child welfare system died this year. Their deaths were not suspicious and there are no pending investigations of the same.

Investigations

"We have a powerful potential in our youth, and we must have the courage to change old ideas and practices so that we may direct their power toward good ends."

-Mary Mcleod Bethune

The overwhelming majority of investigations the OCA is called to undertake are prompted by complaints. The sources of the complaints are calls from parents and/or guardians, case workers and even children. In addition, the OCA is frequently asked by the Court to conduct investigations. During 2006, the OCA conducted five (5) investigations at the request of the Family Court. The summaries below provide a brief synopsis of such investigations.

The OCA was asked to provide the Family Court with information about various family assets of the biological parents of a pre adoptive child in state care and to ascertain whether any of the trust assets could be accessed to provide for the care and maintenance of the child by the putative adoptive parents. At issue was whether adoption would prevent any trust funds being distributed to the child.

The Family Court asked the OCA to investigate allegations of maltreatment by an in-state residential treatment facility; to evaluate the appropriateness of the child's placement; and to submit a written report with recommendations to the Court. In another matter, the Family Court ordered the OCA to investigate the status of a child's progress at an out of state high end residential treatment facility as well as to evaluate the appropriateness of the placement and report to the Court. This investigation entailed the OCA visiting the child at the facility, reviewing his case file and records, meeting with his clinicians and caseworker as well as interviewing the child's parents.

The OCA was requested by the Family Court to investigate the reasons why DCYF continued to place vulnerable infant children in a home with foster parents after their daycare license was rescinded as a result of an indicated Child Protective Services investigation for physical abuse and why DCYF had not revoked the foster home license. The OCA's investigation revealed that there was no clear indicator on who is responsible for the regular monitoring of a foster home. The licensing unit is a regulatory unit charged with making sure that individuals and homes meet the minimal standards to care for a child. If these standards are met and children are placed in such foster homes, the licensing department then relies on the Family Support Unit (FSU) workers to monitor the child's safety. There is no clear cut form of communication between FSU, Child Protective Services and the Licensing Unit and the understaffing in the latter unit renders regular monitoring impossible. This is an example as to why the recommendations of the Child Fatality Review Panel Report should be fully implemented without further delay.

When the Family Court became concerned for a wayward adolescent who presented as abusing drugs and who opposed adamantly returning to an in-patient substance abuse treatment facility, it requested the OCA to investigate conditions and practices at the facility and to report back to the Court with recommendations. The OCA made site visits to the facility to observe and interview staff and residents; provided the facility with a copy of the Children's Bill of Rights; insisted on compliance with the facility's own policies; interviewed the complaining adolescent; conducted follow-up visits and reported back to the Court with recommendations regarding the adolescent's placement.

A Rhode Island Training School (RITS) resident's recitation of an incident at the Training School led the Family Court to request the OCA and the Child Protective Service to investigate the child's allegations. Although the child later recanted his allegations of abuse, the OCA documented in photographs the bruises sustained by the child and the staff person involved in the incident is no longer employed by the Training School.

The Office of the Mental Health Advocate brought to the OCA's attention allegations regarding the medical management of psychotropic drugs at the RITS. The OCA reviewed records, policies, and paperwork as well as interviewed medical and clinical staff for the RITS and verified that the RITS was adhering to DCYF policies regarding the same.

Night to Night Placement Monitoring

The test of the morality of a society is what it does for its children.

- Dietrich Bonhoeffer

Twenty one years ago, then Child Advocate Michael Coleman initiated litigation against DCYF to halt the practice of temporary placements for children who were entering the child welfare system. That Night to Night Placement lawsuit resulted in a 1988 Federal Consent Decree which has been twice amended, most recently in 2001 and which is commonly referred to as the Second Amended Consent Decree. The Second Amended Consent Decree defines “night to night placement” as “the placement of a child in a program for other than its intended purpose for any number of nights.”

In accordance with the Second Amended Consent Decree, DCYF provides the OCA weekly reports identifying children placed night to night. These reports indicate that more than two decades after the original lawsuit was filed, DCYF continues to rely on night to night placements. The reported total number of children placed night to night in 2006 is 234. The reported total number of night to night placement episodes for the 2006 year is 276. The average number of reported weekly episodes is 5.3. The number of reported night to night placement episodes in a single month peaked at 42 in February with September having the lowest number of placements for the year at five (5). The highest number of night to night placement episodes in a single week in 2006 was 16. There were two weeks in which there were no reported night to night placements. More females than males were placed Night to Night.

As 2006 was drawing to a close, it was brought to the attention of the OCA that children are being moved night to night to different placements within a network and that such placements are not being reported. This alleged practice is currently under investigation by the OCA.

2006 Night to Night Placements

		Total # of Episodes	# of Children	CPS Intake Episodes	Male	Female
January		32	27	12	10	17
February		17	15	17	1	11
March		42	36	18	12	22
April		37	29	21	16	10
May		23	21	8	7	7
June		33	24	6	5	4
July		19	18	16	8	5
August		13	11	7	7	6
September		5	3	5	3	2
October		17	17	16	4	11
November		12	9	10	8	12
December		26	24	15	9	3
Total		276	234	151	90	110

Average Number of weekly episodes:	5.3
Highest number of weekly episodes:	16
Lowest number of weekly episodes:	0

Chart reflects DCYF data.

In its 2005 Annual Report, the OCA reported only 37 night to night placements. While it appears that there appears to have been an over 900 percent increase in the number of night to night placements in 2006, last year's numbers were inadvertently misleading because the figure of 37 represented the number of children who were placed night to night for two or more nights.

Nonetheless, there was an unacceptable rise in night to night placements in 2006. While night to night placements did not reach the crisis numbers which existed prior to the Second Amended Consent Decree, the OCA is concerned for the rising number of children who are being moved from placement to placement. This increase may be attributed to a number of factors including but not limited to: 1) a significant backlog in the licensing

of foster homes creating an inadequate supply of available foster placements; 2) children who were placed in DCYF care by the Truancy Court and the Drug Court; 3) a rise in substance abuse; 4) the possibility of more diligent reporting of suspected child abuse incidents; and 5) an increase in poverty within the State.

The OCA weighed carefully whether it should seek a Contempt Order against DCYF for violation of the Second Amended Consent Decree and concluded that the equities tipped on the side of not seeking the assistance of the Court on this single issue of temporary placements when it is apparent that systemic reforms need to occur in Rhode Island's child welfare system. Additional shelter beds are not the answer. Clearly, the temporary shelters created to house children have not adequately ameliorated the problem of night to night placements.

MONITORING CHILD PROTECTIVE INVESTIGATIONS

Child abuse casts a shadow a length of a lifetime.

- *Herbert Ward*

Many children entering Rhode Island's child welfare system do so by way of Child Protective Services. When the Child Protective Services receives a report of suspected abuse or neglect it makes a determination as to whether the alleged incident warrants an investigation, requires no action, involves service needs or involves a person or provider already active with DCYF and requires the attention of the assigned case social worker. Those alleged incidents for which an investigation is deemed warranted are assigned to the OCA as well as to a Child Protection Investigator if the incident involves a day care, group home, residential treatment facility or the Rhode Island Training School. The OCA reviews all such allegations of abuse or neglect of children and youth.

Institutional Abuse Reviews and Investigations

Pursuant to statute, the OCA receives and reviews all allegations of abuse or neglect of children in out-of-home residential or day care homes. In 2006, DCYF forwarded to the OCA 523 complaints involving children allegedly subjected to institutional abuse. Office staff reviewed all reports and assessed DCYF's response to the allegations, conducting follow-up investigations as appropriate and necessary to the case allegation. The results of institutional abuse investigations were as follows: 96 were "indicated" as abuse or neglect likely occurring; 313 were unfounded; 65 were registered as early warnings; 37 are pending. The statistics reveal that DCYF conducted more institutional abuse/neglect investigations in 2006 than in 2005.

The OCA reviewed 165 foster home and 94 day care investigations. The number of CPS investigations of residential facilities in 2006 has risen to 167 from 124 investigations in 2005. The OCA also reviewed -- CPS investigations at psychiatric hospitals. There was a slight decline in the number of investigations at the training school -- from 44 in 2005 to 39 in 2006.

Although ready access to DCYF's RICHIST computer system allows OCA the capacity to review CPS investigations from their inception to

completion, the OCA was hampered in its ability to aggressively monitor institutional abuse investigations in 2006 because it was without a Chief Field Investigator for five months. Nonetheless, access to RICHIST enables OCA to identify issues arising in foster homes and to isolate those foster homes where patterns and/or multiple complaints suggested problems not apparent in a single investigation. CPS institutional abuse investigations are e-mailed to the Chief Field Investigator who then immediately reviews and tracks patterns.

	1.Total # of										
MONTH	monitored										
	reports	2. Indic.	3. Unfou.	4. EW/IR	5. Pending	6. RITS	7. AH	8. FH	9. GH	10.DC	11.HOSP
JAN.	46	6	32	4	4	8	1	18	16	8	0
FEB.	26	6	17	3	0	4	4	8	11	3	0
MAR.	61	18	32	4	7	3	5	18	25	5	0
APR.	48	4	30	13	1	3	4	15	18	9	1
MAY	25	6	12	6	1	3	1	11	8	2	0
JUN.	24	4	19	0	0	2	3	7	5	7	0
JUL.	50	8	30	10	2	2	5	12	21	9	0
AUG.	58	10	35	7	6	2	7	17	15	16	1
SEP.	58	5	34	6	2	2	8	10	17	11	0
OCT.	43	7	27	7	2	3	8	11	11	9	1
NOV.	50	15	25	4	6	4	0	18	13	10	0
DEC.	34	7	20	1	6	2	0	20	6	5	0
Grand Totals	523	96	313	65	37	38	46	165	167	94	3

- KEY:**
1. Number of Institutional Abuse and Neglect investigations involving Day Care, Residential Facilities, RITS, Foster Homes, Adoptive Homes and Psychiatric Hospitals which CPS assigned to the OCA.
 2. Number of cases in which there was a preponderance of evidence to substantiate that the alleged event occurred.
 3. Number of cases in which there was insufficient evidence to support indication that the alleged event occurred.
 4. Number of cases which resulted in an Early Warning/ Information Referral.
 5. Number of Open investigations to be completed.
- The following groups have been included in number 1 totals.**
6. Number of monitored cases which involved the Rhode Island Training School for Youth.
 7. Number of monitored cases which involved Adoptive Homes.
 8. Number of monitored cases which involved Foster Homes, including Kinship Homes.
 9. Number of monitored cases which involved Group Homes and other Residential Facilities.
 10. Number of monitored cases which involved Day Care Facilities.
 11. Number of monitored cases which involved Psychiatric Hospitals.

Chart reflects DCYF data.

Investigations often produced formal licensing actions in foster care settings and day care settings, and remedial actions for group residential settings. Some informal remedial action resulted from virtually every indicated case and often from cases, though “unfounded,” where program weaknesses were revealed during the course of the investigation. The OCA also reviews complaints related to childcare, both in terms of institutional abuse and operation without or in violation of a license.

Facilities Review

Since 1989, the OCA has conducted a review of residential child-placement facilities contracting with DCYF in accordance with its statutory duties. From time to time, over the years, the OCA has revised its protocol and site-review checklists as the number, diversity and range of child placement facilities grew from fifty in 1989 to one hundred twenty in 2006.

Site visits continued in 2006 to most of the facilities operated by the various network agencies. Site visits are made both to the community-based programs contracted by DCYF and the Purchase of Service programs in Rhode Island where DCYF places children. To encourage and facilitate youth contact with the OCA, the OCA distributes its Children's Rights brochures in English and Spanish, to youth at the various sites visited. In addition, the OCA displays and distributes brochures from the many community program providers in order to inform the public of the services available for children.

The OCA received complaints regarding daycare facilities, group homes and residential facilities necessitating visits to determine whether regulations were being violated. In one such matter involving a group home, it was necessary for the OCA to notify the DCYF Licensing Department of the problems and to recommend that no children be placed with the facility until such time as the facility took corrective measures to address the deficiencies noted by the OCA. Placements were suspended and restored when the problems were resolved.

The OCA continued to serve on the DCYF committee that was revising the Child Care Regulations and worked actively on this committee until the proposed regulations were taken in house and worked on for public comment. The OCA advocates for provisions that support and insure the rights of children placed in these facilities. Among the issues emphasized by the OCA are: limitations on searches of residents; recognition of private property rights of residents; the right of residents to send and receive mail; training, re-training and certification of child care staff; quality of care and comfort in the physical plant; attaching responsibility for insuring that the education, health and religion of the residents is addressed and development of appropriate programming/activities for residents while they are at the facility.

Monitoring the Rhode Island Training School

The prefrontal cortex of the brain--which enables us to anticipate the future rationally, to appreciate cause and effect and to control impulses--may not fully develop until we reach our 20s. This is not meant to excuse adolescent conduct. Rather it suggests good news. In time and with guidance, adolescents will grow out of this. But given current trends in criminal justice policy, too many will find themselves confined in adult prisons just as they develop the maturity to control their behavior.

- *Kim Taylor-Thompson*

The RITS administration extended many courtesies to the OCA including, but not limited to providing us with office space at the facility, for which the OCA is greatly appreciative. On July 25, 2006, the OCA officially opened its satellite office at the RITS with an Open House attended by Director Martinez, RITS staff, resident unit representatives, RITS bargaining unit representatives, representatives from the Office of the Attorney General, and child placement and community based organizations.

The OCA has posted locked suggestion/comment boxes in all of the residential units at the RITS and in the RITS School. In addition, it has printed and distributed to the residents responses to the questions which they have placed in the suggestion box. It is the OCA's hope that the locked OCA suggestion boxes which are now situated in every residential unit and in the RITS School will facilitate the residents and staff who wish to remain anonymous to communicate with the OCA.

The OCA has been addressing concerns of the RITS residents and working to increase its accessibility to the residents and its visibility on the grounds. To this end, the OCA attended a number of events and activities at the RITS over the past year, including but not limited to the following:

- Curse Breakers First Annual RITS Basketball Tournament
- High School Graduation Exercise
- Holiday Parties in Units 1, 3 and 6
- A "Town Meeting" Forum with Director Martinez and the Female Unit

- The Summer Family Day Outing on the RITS Grounds
- Wednesday Night Parent Buffets
- AS220 Performances and Workshops
- Group with the Female Unit
- Memorial Service for a Resident
- Observed Classes
- Open Activities in the Day Rooms
- Program Planning Committee Meetings
- Project Outreach
- Sunday Brunch with the Female Unit
- Unit 1 Tour with the Honorable Laureen D'Ambra
- Tour of the Youth Assessment Facility Construction Site
- Tour of the Youth Detention Center Construction Site
- Tour of the RITS Facilities with Special Master Michael Lewis, Esq. and Monitoring Counsel David Falthi, Esq.
- Meeting with RITS Social Workers
- Meeting with RITS Medical Unit Staff

Members of the OCA staff have visited the RITS as late as 11:30 P.M. and as early as 2:30 A.M. Visits are often unannounced. The Monitoring Counsel for the residents at the RITS informed the OCA that he has noticed a correlation in the improvement of the RITS documentation of incidents, disciplinary reports and behaviors since OCA increased its presence on the grounds.

The Rhode Island Training School (RITS) received heightened scrutiny from the OCA during 2006 because the institution remains under the nation's oldest, continuous federal consent decree covering a correctional facility. While the RITS administration continues to make improvements in some areas, there are still several areas in which the RITS is not in compliance with the federal Consent Decree, most notably physical condition of the facilities, staffing, education and gender specific programming. The physical facilities will be addressed, in part if not in whole, when the new 96 bed Youth Assessment Center (YAC) and the new

52 bed Youth Detention Center (YDC) currently under construction open in the winter of 2007. However, the OCA continued to be concerned for allegations of institutional abuse, the lack of appropriate housing for the female residents, inadequate gender specific programming, violations of residents' privacy rights, inappropriate practices with respect to mail, telephone, and visitation, inadequate transition planning for residents who are being discharged, inadequately trained and overly burdened staff performing overtime due to lingering staff vacancies, inadequate educational and vocational training opportunities, special education programs which fail to meet federal IDEA legal mandates as well as other concerns. Many of the alleged practices at the RITS, for which the OCA has received complaints, if true, may be directly attributable to budgetary constraints. Nonetheless, many of them impact upon safety and place the residents at risk.

Perhaps of greatest concern for the OCA are the allegations of abuse. During 2006, the OCA monitored 39 Institutional Abuse or Neglect Investigations of allegations of incidents at the RITS. Twenty-four(24) of these allegations were Unfounded, four(4) were Indicated, four were determined to be Early Warning/Information Referral and six cases were Pending a decision by Child Protective Services at the time of this Annual Report. In the minority of cases that were Indicated, the staff continued their employment and continued to have daily contact with children. In such instances, there appears that there is no reason for the JPW to make positive changes. Any staff that is Indicated by Child Protective Service (CPS) should have a comprehensive corrective plan of action to address the area of need identified by the indicated allegation. Such a corrective plan would ensure that the RITS addresses the seriousness of the breach of protocol and protect its investment in its workforce.

The majority of the CPS calls were for alleged incidents in one unit. Often times, the same Juvenile Program Workers (JPW's) were alleged to be the perpetrators. The OCA has been informed by residents, parents and staff who will speak only off the record and that allegedly residents whom report incidents of abuse or neglect are intimidated by some JPW's who oftentimes cover for one another and intimidate the alleged victims to recant their allegations and the alleged witnesses to report that they did not see or hear anything. Allegedly many youth are fearful of being labeled a "snitch" or a "rat," a label which can carry over to the community once they are discharged from the RITS and endanger them for possible retaliation by relatives, friends or associates of residents.

The number of reported allegations of abuse and neglect incidents at the RITS was troubling and highlighted the importance of staff training and the need for sufficient and qualified staff to work with this high risk/need population. First and foremost, all JPW's need to be provided comprehensive and regularly scheduled training by experienced and trained professionals knowledgeable of the emotional, behavioral and mental health needs of children in the RITS, proper and adequate supervision of residents, suicide and risk prevention, de-escalation techniques, the effects of trauma on children and the brain, common mental health diagnoses in children at the RITS and the behaviors which may be prevalent in children with these diagnoses. Moreover, the daily milieu of the RITS should be focused on rehabilitation and training rather than punishment and corrections. It is important to remember that the children and youth at the RITS are not adults.

Both residents and JPW's would benefit from more interaction with clinical and managerial staff on the units. Unfortunately, the caseloads and unit counts tended to be high in 2006. A shortage of social workers, JPW's and unit managers was a significant stressor which may have contributed to the number of abuse and neglect allegations this year.

During 2006, the OCA, RITS, CPS and Council 94, Local 314 of the American Federation of Federal, State and Municipal Employees (AFSME) met numerous times as the parties attempted to work out investigative protocols which protect the child's and worker's respective rights without compromising the integrity of the investigative process and without draining the limited workforce resources of RITS. All parties had a shared concern for the safety and wellbeing of the residents but each time it appeared that there was agreement on the protocols, Council 94 would subsequently object to the OCA's participation in the investigation. This led the OCA to reevaluate the protocols and its proposal for protocols for future investigations.

Public Education

*The real voyage of discovery consists not in seeking
new lands, but in seeing with new eyes.*

--Marcel Proust

The OCA engaged in a variety of public education activities in 2006.

- The OCA shut down its old website which was sorely in need of updating and constructed a new website which was launched in December 2006. In an effort to promote public awareness of issues impacting children in care the OCA has placed all OCA publications on the website.
- The OCA prepared and posted on its website in book form its Laws Affecting Children, covering legislation enacted during 2006. Released as a public document, the publication is a comprehensive summary of legislation that impacts directly upon children in Rhode Island whether or not in the care of DCYF. The 2006 Laws Affecting Children provides a detailed explanation of each law.
- The OCA co-sponsored a free Continuing Legal Education Seminar for attorneys handling matters involving GBLTQQ youth to sensitize attorneys to the issues faced by that diverse population and to provide them with information regarding the legal protections available to such youth navigating the juvenile justice system
- The OCA staff planned and/or coordinated training workshops and seminars on child abuse reporting laws, child fatality reviews and institutional abuse prevention.
- The OCA responded to over 2,000 individual inquiries from callers and the media seeking information relating to the rights of children in 2006.
- The OCA promotes public awareness of children's issues by releasing reports as public documents generally available to the citizens of the state such as its October 31, 2006 status update on DCYF's implementation of a Child Fatalities Review Panel.
- The OCA developed plans for an OCA Training Institute to facilitate coordination and management of the training sessions offered by the OCA. Copies of the OCA's Training Institute's Speaker Request Forms are available on the OCA's website.

- In 2006, the Child Advocate accepted invitations to speak in a number of forums, including:
 - Girl Scouts of Rhode Island: Project Undercover
 - Woonsocket Rotary Club
 - Sophia Academy
 - Roger Williams University Law School
 - South Providence Neighborhood Ministries
 - Rhode Island Training School
 - John Hope Settlement House
 - Pawtucket Rotary Club

Children's Policy Development

We are living in a time of unbearable dissonance between promise and performance; between good politics and good policy; between professed and practiced family values; between racial creed and racial deed; between calls for community and rampant individualism and greed; and between our capacity to prevent and alleviate human deprivation and disease and our political and spiritual will to do so.

--Marian Wright Edelman

The OCA continues to support efforts to develop a system of care that accommodates the needs of children placed in DCYF custody both in residential facilities and in the community. In furtherance of the same, the OCA plays an integral role in numerous policy initiatives involving children's issues. The OCA is a member and/or participant in the following:

- Ad Hoc Advisory Committee/ Rhode Island Training School
- Adoption & Foster Care Task Force
- Children's Cabinet
- Children's Mental Health Advisory Committee & Evaluation Task Force
- Children's Policy Coalition
- Commission to Study the Benefits & Support Systems for Adoption
- DCYF Child Care Regulations Committee
- DOH & Rhode Island Quality Institute & Policy Committee
- Drug Court Advisory Committee
- Family Court Bench Bar
- Justice Leadership Council
- Permanent Legislative Commission on Child Care
- Presidential Initiative Youth at Risk – Rhode Island
- Quarterly Family Bench & DCYF
- Rhode Island Child Death Review Team
- Rhode Island Children & Family Trust Fund
- Rhode Island Coalition for Mental Health
- Rhode Island DOH- Child & Adolescent Violence Prevention Committee
- Rhode Island Foster Care Training Meeting

- Rhode Island Partnership for Youth in Transition
- Rhode Island Task Force for LGBTQQ – Youth Pride, Inc.
- Rhode Island Training School Steering Committee
- Rhode Island Training School New Facility Committee
- Statutory Rape Committee
- Special Needs Adoption Coalition
- United Way of Rhode Island Impact Group Tool
- Women & Minorities in Courts

Legislative Advocacy

Justice will not come... until those who are not injured are as indignant as those who are.

-- *Thucydides*

The 2006 Legislative Session produced a number of major changes to the laws affecting children in Rhode Island. The 2006 *Laws Affecting Children* is a comprehensive summary of that legislation and it is available on the OCA website at www.child-advocate.ri.gov.

Several major legislative changes were effectuated in the realm of children's health, including legislation which requires Rhode Island schools to offer healthier beverages beginning January 1, 2007 and healthier snacks beginning January 1, 2008; the FY 2007 budget which renders any non-citizen children not receiving medical assistance as of December 31, 2006 ineligible for the medical assistance program, including those lawfully admitted for permanent residence; and legislation that implements a liquid resource test for eligibility to the medical assistance and child care assistance programs.

Key legislation passed in the area of child safety includes the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, which provides for enforcement of a foreign protection order by a Rhode Island tribunal; legislation requiring the Department of Health Services (DHS), in collaboration with other organizations, to develop and implement a comprehensive, statewide initiative to reduce death and disability resulting from Shaken Baby Syndrome; and legislation which requires persons who commit first degree child molestation sexual assault on or after January 1, 2007, and meet other specified requirements, to be monitored by a global positioning system.

During the 2006 legislative session, the sheer reality of OCA's understaffing precluded the OCA from offering testimony on all proposed legislation with the exception of a bill which would have mandated that the DCYF Foster Care Licensing process take no longer than six months and the DCYF budget and allocation of DCYF resources, both of which were pressing legislative concerns of the OCA. To the best of its ability, the OCA served as a consultant to policy makers and citizens concerned about children's issues.

Litigation

Litigation is the pursuit of practical ends, not a game of chess.
-- Felix Frankfurter

Although deeply committed to protecting the legal rights of children and youth in state care, the OCA did not seek the assistance of the court in 2006 by initiating any due process litigation or intervening in any litigation despite not so subtle urging by numerous stakeholders. Instead, the OCA elected to work closely with DCYF in a continued attempt to identify problems and resolve issues which pose safety risks for children in care and impair their well being and stability. The OCA weighed carefully its litigation options and declined to pursue such a course because of both the excessively high transaction costs associated with litigation which is often protracted and its hope that DCYF will implement on its own volition the systemic reforms which will lead to positive outcomes for children in care. Throughout the past year, the OCA has met with Director Martinez and other high level DCYF officials charged with implementing the recommendations set forth by the Child Fatality Review Panel in October of 2005.

THE GOALS FOR 2008

Our goals can only be reached through a vehicle of a plan, in which we must fervently believe, and Upon which we must vigorously act. There is no other route to success.

-- Stephen A. Brennan

The OCA takes seriously its charge to protect the legal rights of children in state care. In 2008, the OCA shall continue to vigorously utilize its statutory powers to this end. Its small but diligent staff will collaboratively and cooperatively devote their energies to the following tasks.

- Seek systemic child welfare reforms to improve safety, welfare and permanency outcomes for children in care.
- Launch the OCA Training Institute.
- Expand its review of foster homes.
- Continue its review of institutions.
- Continue to vigorously represent children voluntarily placed in DCYF care.
- Continue to review abuse and neglect investigations.
- Monitor the care of children at the RITS.
- The OCA will recognize a child advocate monthly.
- Advocate for Transitional Community Housing for Children Returning to the Community.
- Advocate for Appropriate Housing and Gender Specific Programming for the Female Unit at the RITS.
- Publish a quarterly newsletter, *The Child Advocate* online.

- Post assistance request forms for children in care online.
- Increase its legislative advocacy. The Child Advocate will offer testimony on all key bills affecting children in Rhode Island. The OCA staff will track all legislation affecting children including ,but not limited to the following:
 - Senate Bill No. 24, which decreases the amount of child support arrearage constituting a felony.
 - Senate Bill No. 48, which would allow the Family Court to order child support beyond the child's emancipation event if the child has a severe physical or mental impairment, the onset of which occurred prior to the emancipation event.
 - Senate Bill No. 81 would require all senior high schools to offer healthier snacks and beverages thorough their vending machines, effective as of January 1, 2008.
 - Senate Bill No. 90 and House Bill No. 5209 would prohibit smoking in motor vehicles in which any child is restrained or is required to be restrained in a child passenger safety seat.
 - Senate Bill No. 162 requires all public schools to provide full-time kindergarten programs as of August 20, 2010.
 - Senate Bill No. 169 would increase the refundable state earned income credit from 15% to 100%.
 - Senate Resolution No. 320 appropriates \$150,000 to the Department of Human Services for the Food Stamp Outreach Program.
 - Senate Resolution No. 361 creates a special legislative commission to make a comprehensive study of the impact of mandates on Rhode Island's school districts.
 - Senate Bill No. 384 would amend the Comprehensive Energy Conservation, Efficiency, and Affordability Act with respect to customers eligible for the federal Low Income Home Energy Assistance Program.
 - Senate Bill No. 391 gives a presumption of validity to a school district in hearings before the Department of Elementary and Secondary Education when a school district determines that a child is no longer a resident of that district for purposes of public education.

- Senate Bill No. 393 would authorize any career/technical charter public school enrolling special education students from outside school districts with verifiable IEP designations to receive from the sending district the average per pupil special education cost of the sending district.
- Senate Bill No. 394 provides that discipline for any public school student who is in possession or use of alcohol, drugs or weapons be imposed on a case-by-case basis pursuant to guidelines promulgated by the school committee for that district.
- Senate Bill No. 415 and House Bill No. 5412 extend health insurance coverage to US permanent resident children and parents.
- Senate Bill No. 425 identifies those students who are exempt from paying nonresident tuition at public universities, colleges, or community colleges.
- Senate Bill No. 428 would limit public assistance to 24 months in a continuous 60 month period.
- Senate Bill No. 429 would require the State to appropriate to the cities and towns \$25,000 for each bed in a group home or facility home.
- Senate Bill No. 432 and House Bill No. 5224 would require a reimbursement of \$32,000 per bed for all group home or other residential facility “beds” associated with Bradley Hospital to the local community or the Rhode Island licensed child placing agency.
- Senate Bill No. 451 implements a voluntary quality rating system to increase the quality of early care and education and school-age child care.
- Senate Bill No. 461 authorizes elected school committees to retain the services of independent legal counsel as they may deem necessary and convenient.
- Senate Bill No. 478 provides that pleas of nolo contendere followed by probation would be deemed a conviction with respect to certain classes of individuals who have contact with children.
- Senate Bill No. 546 and House Bill No. 5302 would prevent the shutoff of gas or electric services in any residence where there is a domiciled person under the age of six (6) years.
- Senate Bill No. 572 would establish and fund the Neighborhood Opportunities Program to address the housing and revitalization needs of the State’s deteriorating neighborhoods.

- Senate Bill No. 662 and House Bill No. 5112 would provide for reconstruction and enhancement of Medicaid rates of payment to dental professionals and for better access to appropriate dental care for Medicaid-eligible children.
- House Bill No. 5022 provides additional rules concerning paternity testing between unwed parties and provides for retroactive reimbursement of child support to individuals falsely identified as the father of a child.
- House Bill No. 5044 would restore a yearly payment of \$100 to families receiving Family Independence Cash Assistance benefits to help defray the high cost of heating.
- House Bill No. 5125 would ensure that obligations under child support orders would continue despite the parole or probation of the obligor.
- House Bill No. 5140 would increase the age of eligible persons for early intervention programs from three (3) to six (6) years of age.
- House Bill No. 5186 would provide for a motion to set aside a determination of paternity based on newly discovered evidence and would provide requirements for filing such motion and relief.
- House Bill No. 5206 would require all public schools to provide full-time Kindergarten programs as of September 1, 2009.
- House Bill No. 5229 would require the State to provide \$25,000 per group home or residential facility “bed” to each city or town beginning FY 2008.
- House Bill No. 5278 would require the State to provide funding for the school year for the special education needs of a child who moves into a city or town after the school committee adopts its budget for that school year.
- House Bill No. 5281 would require the State to annually pay for the tuition and related costs for students attending a state elementary or secondary vocational education school, with payments made directly to the respective schools.
- House Bill No. 5285 authorizes school departments to admit children into their Kindergarten programs even though those children have not reached age five (5) by September 1 of that school year.
- House Bill No. 5287 would make it a misdemeanor to leave a child five (5) years or younger in any unattended motor vehicle.

- House Bill No. 5288 would raise the age of a child assault victim from ten (10) years to sixteen (16) years of age or younger.
- House Bill No. 5289 adds domestic partners to the protections offered to spouses who are witnesses in civil trials.
- House Bill No. 5295 provides employees of covered employers' time out of work to take their minor children and elderly relatives to medical appointments.
- House Bill No. 5332 would raise the minimum wage a specific amount for 2008 and 2009, and thereafter by a formula linked to inflation.
- House Bill No. 5351 creates the Rhode Island High School Dropout Prevention Act of 2007.
- House Bill No. 5379 allows a parent to receive child care assistance if they work at paid employment or attend an education or training program and work at least 25 hours per week.
- House Bill No. 5300, FY 2008 budget provisions.
- Article 15 pertains to state child care subsidies.
- Article 16 pertains to the Family Independence Act.
- Article 20 reduces Child Care Assistance eligibility to families at or below 150% of the federal poverty line.
- Article 21 pertains to education aid.
- Article 22 relates to delinquent and dependent children.
- Article 23 relates to DCYF investigations.
- Article 45 pertains to the Hardship Assistance Fund.

THE RECOMMENDATIONS

One dollar up front prevents the spending of many dollars down the road.

-- Marianne Wright Edelman

The OCA is cognizant of the dire fiscal picture which frames Governor Donald Carcieri's Fiscal Year 2007 Supplemental Budget Request and Fiscal Year 2008 Budget Request. It is grateful that the Governor requested the 5.8 FTE's for the OCA. Harsh fiscal realities loom over the General Assembly's budget deliberations. The OCA is confident that Rhode Island's elected officials will honor their obligations to act prudently in the best interests of the public. The fiscal realities demand that difficult funding decisions be made. However, it is the sincere hope of the OCA that no one will harm the interests of our state's most vulnerable population, the children and youth in care. The Child Advocate is their voice. As such, the Child Advocate is compelled to oppose many of the budget proposals which would adversely impact children and youth.

The OCA urges lawmakers to reject the proposals to amend Title 14 of the R.I. Gen. Laws by changing the maximum age of a child for which the Family Court may retain jurisdiction from 21 to 18 and eliminating DCYF services to youth at age 18. While the OCA appreciates Director Martinez efforts to address the needs of the children who may be aging out of the child welfare system on July 1, 2007, it has grave concern for the ability of these youths to navigate the various human service agencies they will need to access. It is disheartening to contemplate that the agency which removed children from their homes and families, albeit for purposes of the child's safety or welfare, may now dump these children out of the child welfare system with no family or support system to ease their transition to adulthood. Many of the children who are already in the system have not been adequately prepared by DCYF to support and care for themselves as adults. A child who has been taken from its family and left in state care without permanency has no one to whom he or she may turn for emotional or financial support.

Further, the OCA opposes the proposal to limit the Family Court's jurisdiction to adjudicate juvenile justice cases to youth under the age of 17 and to sentence a youth to juvenile probation until he or she reaches age 18. It cannot be overemphasized that a seventeen year old is a child. Adjudicatory decisions regarding children and youth properly belong with the Family Court and the

OCA firmly opposes any effort to amend the Family Court's current jurisdiction.

The staffing requirements for the RITS are set forth in the Federal Consent Decree and RITS is currently grossly understaffed and in non-compliance. While it is the OCA's hope that the Family Court and law enforcement officials will place even greater emphasis on youth diversion programs for youth without regard to income, geographic location or family background, failure to adequately fund the necessary FTE positions to operate the new facilities would be poor public policy. Without adequate funding for staffing at safe levels, Rhode Island may find itself with new facilities without sufficient staff to open the doors. Appropriate and adequate housing must be secured for the female unit at the RITS if it becomes necessary for the unit to vacate the Eleanor Slater Complex. The OCA is opposed to using any of the funds committed to constructing a site for the female unit to be used for renovations on any existing unit on the RITS grounds. The OCA believes that Rhode Island can ill afford to wait another day to fully implement gender specific programming at the RITS.

It is unconscionable to discontinue the practice of investigating alleged incidents of abuse and neglect which involve alleged victims age 16 or older. Rhode Island does not want to send a message to its age 16 or older youth that only they are expected to protect themselves from abuse or neglect. Nor does the OCA believe that Rhode Island wants to send a message to perpetrators that a child 16 or older is fair game for victimization.

With respect to childcare, thought must be given to the consequences of failing to give the child care providers caring for Rhode Island's children their biennial rate reflecting the update to the 2006 market rate. After all, childcare providers last received an increase in 2004 based on 2002 market rates. If childcare providers do not receive a full-time rate for school-aged children attending before and/or after school childcare, the OCA fears that some childcare providers will be forced to go out of business or to fill those slots with preschool children leaving no before and/or after school care for school-aged children. It must also be noted that childcare will be rendered unaffordable for many low income families if childcare eligibility is reduced from 225% of the federal poverty level to 150%.

Shifting behavioral health services care expenses for children from DCYF to DHS appears to be a cost shifting mechanism rather than a cost saving mechanism. While there may be some administrative advantages to a single

payer managed care system for children's behavioral health, it is unclear whether this will result in positive outcomes for the children.

As lawmakers grapple with the massive and unprecedented budget deficits, it is hoped that they will not force the state's children to bear the burden of budget cuts. Many of the proposals that have been set forth will have a devastating impact on the most vulnerable people of our state, namely, the children who are abused and/or neglected. Rhode Island cannot afford to fail to meet the needs of its children—its future.